

**Notice of Allowability**

Application No.

09/842,685

Examiner

Ling-Siu Choi

Applicant(s)

YAMAMOTO ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 08/18/2005.
2. ☒ The allowed claim(s) is/are 4-6, 10-12, 16-18 and 22-27.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is in response to the Amendment after Final Rejection filed August 18, 2005. Claims 1-3, 7-9, 13-15, and 19-21 were canceled and claims 4-6, 10-12, 16-18, and 22-27 are now pending.

***Allowable Subject Matter***

2. Claims 4-6, 10-12, 16-18, and 22-27 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest references: Moring et al. (US 5,384,024) and Kane et al. (US 5,916,428).

<b>A capillary array electrophoresis apparatus comprising</b>	
a capillary array (a plurality of capillaries)	the capillaries having <i>sample injection top ends</i> that are arranged in alignment
a sample plate assembly	a sample plate having a plurality of wells for holding a sample and an adapter for mounting the sample plate
an auto sampler	holding the sample plate assembly and being movable at least in a vertical direction and permits the <i>sample injection top ends</i> of the capillary array to immerse into the sample in the plurality of wells
wherein the adapter is prepared for <b>a plurality of kinds of sample plate having different shape, size and/or well depth</b> so that center axes and bottom heights of the wells of the sample plate are adjusted to assume a predetermined position with respect to the auto sample	

(summary of claim 4)

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Moring et al. disclose an **capillary electrophoresis** comprising a rotary carousel having multiple circular locations for liquid containers, wherein the carousel is translatable as well rotatable and wherein a removable tray facilitate loading and unloading groups of sample containers and buffers container to the instrument, which are closed by a unique flexible **septum** with a duck-billed portion extending toward the container it closes, permitting easy entry of a capillary end and an electrode, while protecting the contents from contamination and evaporation (col. 2, lines 67-68; col. 3, lines 1-4, 9-13, and 39-41; claim 1). Attention is drawn to Figures 4-5, wherein the tray is divided into two portions having unequal numbers of containers (col. 6, lines 25-60). However, Moring et al. do not teach or fairly suggest a capillary electrophoresis comprising a adapter for **a plurality of kinds of sample plate having different shape, size and/or well depth** so that center axes and bottom heights of the wells of the sample plate are adjusted to assume a predetermined position with respect to the auto sample.

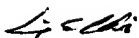
Kane et al. (US 5,916,428) disclose a capillary electrophoresis, wherein samples in wells of tray can be simultaneously undergo electrophoresis separation and needles are secured to the cylindrical inner walls of the compression fitting with an epoxy sealant, the fitting being formed from nylon into which the need is inserted (abstract; col. 6, lines 41-53). However, Kane et al. do not teach or fairly suggest a capillary electrophoresis comprising a adapter for **a plurality of kinds of sample plate having different shape, size and/or well depth** so that center axes and bottom heights of the wells of the sample plate are adjusted to assume a predetermined position with respect to the auto sample

### ***Conclusion***

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.



**LING-SUI CHOI**  
**PRIMARY EXAMINER**

September 2, 2005